IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Civil Writ Petition No.524 of 2001.

Date of decision: 5.4.2007

State of H.P and ors **Petitioners**

Versus

Jai Kishan **Respondents**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud, J.

The Hon'ble Mr. Justice Rajiv Sharma, J.

Whether approved for reporting ?[1] *No.*

For the Petitioner: **Mr. J.K. Verma, Dy. Advocate General.**

For the Respondents: **Mr. M.L. Sharma, Advocate.**

Dev Darshan Sud, J (oral)

The State of Himachal Pradesh has preferred this writ petition against the order of the learned State Administrative Tribunal passed in O.A (D) 71/1996 decided on 30.5.1997. The contention of the learned Deputy Advocate General is that the decision is contrary to the decision rendered by the Hon'ble Supreme Court in Civil Appeal Nos. 1165-1776 of 200, titled ***State of H.P. and Another Vs. Piar Singh.*** In that decision the Hon'ble Supreme Court has held that prescribing cut off date of 1.11.1962 for granting benefit to ex-servicemen recruited to civil posts was not arbitrary. This legal aspect of

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement***? Yes.

the matter cannot be disputed. The judgment of the Tribunal is, therefore, quashed and set aside.

Since the respondent has retired from service, we direct that consequent to the order passed by us, no recovery proceedings will be initiated against the respondent by the petitioner-State. There shall be no order as to costs.

(Dev Darshan Sud), J

April 5, 2007 **(Rajiv Sharma), J**
(ss)